

REMARKS

The Applicant respectfully requests reconsideration and allowance of claims 21-40 in view of the amendments presented above and the following comments.

The Applicant appreciates the indication in the OA that claims 23-26, 28, and 30-40 are directed to allowable subject matter.

I. THE AMENDMENTS TO THE DRAWINGS

Enclosed with this response is a replacement drawing sheet for drawing sheet 3 and a replacement drawing sheet for drawing sheet 4 in compliance with 37 C.F.R. §1.121(d) together with a marked-up version of each replacement drawing sheet in accordance with 37 C.F.R. §1.121(d)(1). The replacement drawing sheets each provide the correct lead line from reference numeral 8' to the medium recycling line.

II. THE CLAIM AMENDMENTS

The claims are amended above to address the Section 112 issues noted in the OA. The claims are also amended above to clarify the claimed structure. In particular, both independent claims, claims 21 and 29 are amended above to require that the actuation element is mounted on the base body so as to facilitate relative movement between the actuation element and the base body in the axial direction and that it is that relative movement which opens and closes the valve. The above changes to claims 21 and 29 also include amendments, such as the amendments to element (c) and (d) of claim 21 to rephrase the limitations stated therein. The dependent claims

1 are amended for consistency with the amendments to their respective dependent claim. Claims
2 25, 34, and 35 are also amended to more positively recite the intended limitation, and claim 30 is
3 amended to improve the readability of the claim. The amendments to the dependent claims are
4 not intended to narrow the scope of those claims.

5 Although the Applicant has amended the claims, the Applicant does not concede in this
6 application that the claims submitted in the preliminary amendment are not patentable over the
7 art cited in the OA. The Applicant also does not concede that the subject matter of the original
8 claims in the application is not patentable over the prior art of record in this case. The Applicant
9 respectfully reserves the right to pursue the rejected claims and other claims in one or more
10 continuations and/or divisional patent applications.

11
12 III. THE AMENDMENTS TO THE DISCLOSURE

13 The disclosure is amended above to refer to the illustrated example mounting
14 arrangements in which the valve actuation element may be mounted on the base body. This
15 disclosure is also amended above to refer to the open and closed position/condition of the valve.

16
17 IV. THE CLAIMS AS AMENDED ARE NOT INDEFINITE UNDER SECTION 112

18 The OA rejected claims 28, 29, 36, and 38 under 35 U.S. C. §112, second paragraph in
19 view of certain naming or antecedent basis errors. The Applicant submits that the above
20 amendments obviate the section 112 rejections.

V. THE CLAIMS ARE NOT ANTICIPATED AND ARE NOT OBVIOUS OVER THE
CITED REFERENCES

The OA rejected claims 21, 22, 27, and 29 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,995,534 to Rastetter (the “Rastetter patent”). The OA also rejected claims 21 and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,182,977 to Weller (the “Weller patent”) in view of the Rastetter patent. The Applicant submits that the claims are not anticipated or rendered obvious by the cited references.

Both claims 21 and 29 are amended above to clarify that the actuation element is mounted on the base body so as to facilitate relative movement between the base body and the actuation element, and that it is this relative movement which moves the valve from the open to closed condition and from closed to open condition. This arrangement is in contrast to the valve 37 shown in the Rastetter patent, which is not mounted on the body 7. Nor does any relative movement between any part of the valve 37 in the Rastetter patent and body 7 result in an opening or closing of the valve 37 in Rastetter. The Weller patent does not make up for this deficiency as to the structure shown in the Rastetter patent as compared to the Applicant’s claims as amended above.

Because the Rastetter patent does not disclose each limitation set out in independent claims 21 and 29, the Applicant believes claims 21 and 29, and their respective dependent claims, including claims 22 and 27 depending from claim 21, are not anticipated by the Rastetter patent. Also, because the Weller patent fails to make up for the deficiencies of the Rastetter patent as to the Applicant’s independent claims 21 and 29, the Applicant submits that claims 21

1 and 29 are not obvious over the proposed combination of Weller and Rastetter, and are in
2 condition for allowance together with their respective dependent claims. The Applicant further
3 notes that additional limitations set out in the dependent claims are also not included in the
4 proposed combination of the Weller patent and the Rastetter patent and therefore that the
5 dependent claims are allowable both in view of the limitations that they directly add and through
6 dependence on an allowable base claim.

7
8 VI. CONCLUSION

9 For at least the above reasons, the Applicant respectfully requests reconsideration and
10 allowance of claims 21-40.

11 If the Examiner should feel that any issue remains as to the allowability of these claims,
12 or that a telephone conference might expedite allowance of the claims, he is asked to telephone
13 the Applicant's attorney Russell D. Culbertson at the number listed below.

14
15 Respectfully submitted,

16 The Culbertson Group, P.C.

17
18 Date: 24 May 2010

19 By: 

20 Russell D. Culbertson, Reg. No. 32,124
21 1114 Lost Creek Boulevard, Suite 420
22 Austin, Texas 78746
23 512-327-8932
24 ATTORNEY FOR APPLICANT

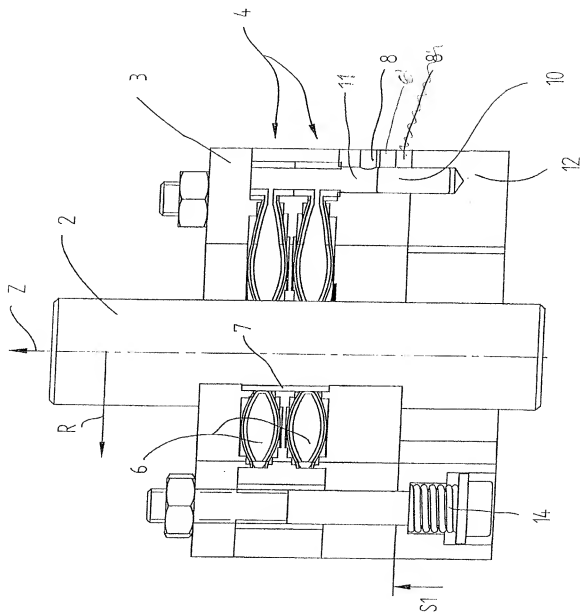


Fig. 3

